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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION
12

13 **MINDS, INC., ET AL,**

14 Plaintiffs,

15 v.

16 **ROBERT BONTA,**

17 Defendant.

2:23-cv-02705- RGK-MAAx

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS AMENDED
COMPLAINT**

18 Date: June 26, 2023
19 Time: 9:00 am
Courtroom: 10B
20 Judge: The Honorable R. Gary
Klausner
Trial Date: None set
Action Filed: April 13, 2023

21 **REQUEST FOR JUDICIAL NOTICE**
22

23 Pursuant to Federal Rule of Evidence 201, Defendant Rob Bonta, in his
24 official capacity as Attorney General of the State of California, requests that the
25 Court take judicial notice of publicly available government records that are not
26 subject to reasonable dispute and whose accuracy cannot reasonably be questioned.
27 Fed. R. Evid. 201(b); *United States v. Corinthian Colleges*, 655 F.3d 984, 998-90
28 (9th Cir. 2011).

1 First, Defendant asks the Court to take judicial notice of the existence and
 2 terms of the following documents which are legislative history for California
 3 Assembly Bill No. 587 (2021-2022 Reg. Sess) (“AB 587”):

4 Exhibit 1: *Social Media Companies: Terms of Service*, Assembly Committee
 5 on Judiciary Analysis of Assembly Bill 587 (2021-2022 Reg. Sess.), as amended
 6 March 25, 2021, date of hearing Apr. 27, 2022 (Apr. 24, 2022).

7 Exhibit 2: *Social Media Companies: Terms of Service*, Senate Judiciary
 8 Committee Report on Assembly Bill 587 (2021-2022 Reg. Sess.), as amended
 9 June 23, 2022, date of hearing June 28, 2022 (June 25, 2022).

10 Exhibit 3: *Social Media Companies: Terms of Service*, Senate Rules
 11 Committee Analysis of Assembly Bill 587 (2021-2022 Reg. Sess.), as amended
 12 Aug. 11, 2022 (Aug. 26, 2022).

13 Exhibit 4: *Social Media Companies: Terms of Service*, Assembly Committee
 14 on Judiciary Analysis of Assembly Bill 587 (2021-2022 Reg. Sess.), as amended
 15 March 25, 2021, date of hearing Apr. 27, 2021 (Apr. 24, 2021).

16 It is well settled that legislative history is properly the subject of judicial
 17 notice. *See, e.g., Geo Group, Inc. v. Newsom*, 50 F.4th 745, 767 & n.5 (9th Cir.
 18 2022); *Sonoma County Ass’n of Retired Employees v. Sonoma County*, 708 F.3d
 19 1109, 1120 n.8 (9th Cir. 2013); *Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th
 20 Cir. 2012); *Estate of Graham v. Sotheby’s Inc.*, 860 F. Supp. 2d 1117, 1125 n.6
 21 (C.D. Cal. 2012) (holding that legislative history is properly the subject of judicial
 22 notice). The legislative history for AB 587 is relevant to show the California
 23 Legislature’s intent in enacting the statute and the substantial state interest served
 24 by the statute.

25 Second, Defendant asks the court to take judicial notice of the following
 26 documents which are official government records:

27 Exhibit 5: Press Release, Office of Governor Gavin Newsom, *Governor Newsom*
 28 *Signs Nation-Leading Social Media Transparency Measure* (Sept. 13,

2022). Exhibit 5 is the press release issued when Governor Newsom signed AB 587, and is cited, and is partially quoted, at paragraphs 21 and 62 of the [First] Amended Complaint, Docket entry 20 (“FAC”).

Exhibit 6: Letter from Attorney General Bonta to Meta Platforms, Inc., YouTube, Inc., Twitter, Inc., TikTok Inc. and Reddit Inc. (Nov. 3, 2022), which is cited and partially quoted at paragraphs 22-24 of the FAC.

As discussed in the Memorandum in Support of Defendant’s Motion to Dismiss Amended Complaint, Docket entry 23-1, these documents are not legislative history for AB 587, because they were not available to the Legislature when it considered AB 587 (and indeed were not created until after the Legislature passed AB 587). Under California law, a statute’s true legislative history consists of the materials relating to the bill that the whole California Legislature had available when deliberating over the bill. *Noori v. Countrywide Payroll & HR Solutions, Inc.*, 257 Cal. Rptr. 3d 102, 110 n. 11 (Cal. Ct. App. 2019). However, Plaintiffs seek to rely on these documents to establish their claims, and the documents are public records available on official government websites, and their authenticity is not subject to reasonable dispute.

Dated: May 25, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
PAUL STEIN
Supervising Deputy Attorney General

//s/ Sharon L. O’Grady
SHARON L. O’GRADY
Deputy Attorney General
Attorneys for Defendant

SA2023302140

DECLARATION OF COUNSEL

I, Sharon L. O'Grady, declare as follows:

1. I am a Deputy Attorney General for the State of California and am counsel of record for Defendant in this matter. I have personal knowledge of the facts set forth herein and, if called as a witness, would and could competently testify to the truth thereof.

Exhibits 1 through 4 are true and correct copies of publicly available government records that are currently posted on the Official California Legislative Information website,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB587 [as of April 24, 2023].

Exhibit 5 is a true and correct copy of a publicly available government record posted on the official website of the Office of Governor Newsom,
<https://www.gov.ca.gov/2022/09/13/governor-newsom-signs-nation-leading-social-media-transparency-measure/> [as of May 1, 2023].

Exhibit 6 is a true and correct copy of a publicly available government record posted on the official website of the Office of Governor Newsom,
<https://oag.ca.gov/news/press-releases/attorney-general-bonta-calls-social-media-companies-stop-spread-disinformation> [as of May 1, 2023].

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Berkeley, California on May 25, 2021.

/s/ Sharon L. O'Grady

SHARON L. O'GRADY